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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**
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8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 RICARDO BANUELOS,

12 Defendant.
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2:07-CR-137 JCM (RJJ)

14 **ORDER**

15 Presently before the court is petitioner Ricardo Banuelos's motion to strike. (Doc. # 111).
16 The government has not responded.

17 The government filed a motion for leave to file a late response to petitioner's 28 U.S.C. §
18 2255 motion (doc. # 107) and the court granted the motion (doc. # 108). Subsequently, the
19 government timely complied with the extension of time. (*See* doc. # 109). Petitioner then filed a
20 motion to strike the government's response as untimely. (Doc. # 111).

21 Petitioner argues that the government's response should be struck, arguing that he neither
22 received nor is aware of an order from this court granting the government's motion for an extension
23 of time. (Doc. # 111, ¶ 3). However, the court *did* grant the government leave to file a late response.
24 Further, the court *ordered petitioner* to reply by September 7, 2012. Petitioner has failed to file a
25 reply. The court, having granted the government an extension and provided that the government
26 timely complied, declines to strike the response as untimely.

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1 Further, petitioner requests that if the court grants the government's late filing, that he be
2 given 30 days from entry of this court order to reply to the government's response. (Doc. # 111, ¶
3 4). Although petitioner has failed to comply with the court's previous order, the court finds that more
4 time is warranted. Because the circumstances of this case requires manual distribution which may
5 account for petitioner not having received this court's previous order; the court grants the 30 day
6 extension to file a reply.

7 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that petitioner Ricardo
8 Banuelos's motion to strike (doc. # 111) be, and the same hereby is, DENIED.

9 IT IS FURTHER ORDERED that petitioner's request for additional time to file a reply be,
10 and the same hereby is, GRANTED. Petitioner shall have up to and including October 24, 2012, to
11 file a reply to the government's response.

12 DATED September 24, 2012.

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15 UNITED STATES DISTRICT JUDGE